

**TOWN OF OAKFIELD
FOND DU LAC COUNTY**

ZONING ORDINANCE

MARCH 13, 2000

TOWN OF OAKFIELD FOND DU LAC COUNTY ZONING ORDINANCE

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TOWN OF OAKFIELD
Fond du Lac County, Wisconsin
Zoning Ordinance

An Ordinance under the provisions of Section 62.23 (7) to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, the size of yards, courts and other open spaces, the density of population the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purpose to divide the Town of Oakfield, Fond du Lac County, Wisconsin, into districts of such number, shape, and area as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

The Town Board of the Town of Oakfield, Fond du Lac County, Wisconsin, having been granted village powers pursuant to Section 60.78 (12), does ordain as follows:

ARTICLE I

Section 1.0 Interpretation and Purposes

- 1.1_ The provisions of this ordinance shall be held to be minimum requirements, adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Oakfield, Fond du Lac County, Wisconsin.

- 1.2 It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, or agreements between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to laws;

provided, however, that when this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

ARTICLE II

Section 2.0 Districts

2.1 For the purposes of this ordinance, the Town of Oakfield, Fond du Lac, County, Wisconsin is hereby divided into 5 districts as follows:

1. R-1 and R-2 Single-Family Residential Districts
2. Exclusive Agricultural District
3. Agricultural Transition District
4. Business District
5. Industrial District

2.2 The boundaries, of the aforesaid districts are hereby established as shown on the map entitled "Zoning Map for the Town of Oakfield, Fond du Lac County, Wisconsin," which map is made a part of this ordinance and is on file in the office of the Clerk of said township. All notations and references shown on the District Map are as much a part of this ordinance as though specifically described herein.

2.21 The district boundaries, unless otherwise indicated, are street or highway center lines, railroad right-of-way lines extended, lines parallel or perpendicular to such street, highway or railroad lines, the shore line of lakes or streams, lot or alley lines, section lines, quarter section lines, or quarter-quarter section lines, and when the designation on the district map

indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundary line.

- 2.22 The district boundaries, where not otherwise designated, shall be determined by the use of the scale shown on the district map.

ARTICLE III

Section 3.0 Glossary of Terms

- 3.1 General Terms. For the purposes of this ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number, the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the State building code.

3.2 Definitions.

- 3.21 Airport, Public - Any airport which complies with the definition contained in Section 114.013 (3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- 3.22 Alley - A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
- 3.23 Automobile Wrecking Yard - Any premises on which two or more automotive vehicles, not in operating condition, are stored in the open.
- 3.23 Boarding House - A building other than a hotel where meals, or lodging and meals, are furnished for compensation for 5 or more persons not members of a family.

- 3.25 Boathouse - Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.
- 3.26 Building - Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- 3.27 Building, Accessory - A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.
- 3.28 Building, Height of - The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- 3.29 Building, Main - A building constituting the principal use of a lot.
- 3.30 Center Line - A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
- 3.31 Channel - A natural or artificial watercourse of perceptible extent, which definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.
- 3.32 Dwelling, One Family - A detached building designed for or occupied exclusively by one family.
- 3.33 Dwelling, Two Family - A detached or semidetached building designed for and occupied exclusively by two families.
- 3.34 Dwelling, Multiple - A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.
- 3.35 Family - (a) an individual; or (b) 2 or more persons related by blood, marriage, or adoption; or (c) maximum of 5 persons not so related;

together with. his or their domestic servants and gratuitous guest maintaining common household in a dwelling unit or lodging unit.

- 3.36 Frontage - All the property abutting on one side of a road or street between 2 intersecting roads or streets or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.
- 3.37 Garage, Private - An accessory building or space for the storage of motor-driven vehicles.
- 3.38 Garage, Public - Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- 3.39 Garage, Storage - Any building or premises used for the storage only of motor-driven vehicles or motor-driven machinery, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold.
- 3.40 Home Occupation - A gainful occupation conducted by members of the family only within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted name plate nor more than 2 feet square is installed and that no person other than a member of the immediate family is involved.
- 3.41 Hotel - A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- 3.42 Junk Yard - A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale or parts therefrom.
- 3.43 Lodging House - A building other than a hotel where lodging only is provided for compensation for 3 or more persons not members of the family.

- 3.44 Lot, Zoning Lot - A single property, parcel, unit, tract, plot or otherwise designated to be used as a unit under single ownership or control, and which may be occupied by 1 or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A "zoning lot" may or may not coincide with a lot of record.
- 3.45 Lot Corner - A lot located:
- 3.451 At the junction of and abutting 2 or more intersecting streets; or
 - 3.452 At the junction of and abutting a street and the nearest shoreline of highwater line of a storm or floodwater runoff channel or basin; or
 - 3.453 At the junction of and abutting 2 or more storm or flood water runoff channels or basins; or
 - 3.454 At and abutting the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.
- 3.45 Lot Depth - The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- 3.47 Lot, Interior - A lot other than a corner lot.
- 3.48 Lot Width - The distance between side lines of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot 75 feet from the waterline.
- 3.49 Manufactured Home - A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site which is certified and labeled as a manufactured home under 42 USC secs. 5401-5426, which, when placed on the site:
- 3.491 Is set on an enclosed continuous foundation in accordance with sec. 70.43(1), Stats., and ILHR 21, subchapters III, IV and V of the Wisconsin Administrative Code, as amended, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - 3.492 Is installed in accordance with the manufacturer's instructions;
 - 3.493 Is properly connected to utilities; and

3.494 Meets other applicable standards of this Ordinance.

- 3.50 Mobile Home - A transportable factory built structure designed for long term occupancy build prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, and which is or was as originally constructed or designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, including any additions, attachments or foundations. A mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not and even though assessable value of additions, attachments or foundations to the mobile home equal or exceed 50% of the assessable value of the mobile home. Excluded from this definition are "manufactured homes."
- 3.51 Mobile Home Park - Any plot or tract of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
- 3.52 Motel - A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients.
- 3.53 Nonconforming Use - A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or amendments thereto.
- 3.54 Professional Office - The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession. When established in the R-Residence or A-Agricultural District, a professional office shall be incidental to the residential occupation, not more than 25% of the floor area of only 1 story of a dwelling unit shall be occupied by such office, except that a beauty parlor shall be limited to 3 licensed operators working at any one time, and a barbershop to 2 licensed barbers operating in not to exceed 2 barber chairs at any one time; and provided further that a beauty parlor or barbershop shall not occupy over 500 square feet of floor area, including lavatories and waiting room; and only 1 unlighted name plate, not exceeding 4 square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.
- 3.55 Roadside stand- A structure not permanently fixed to the ground that is readily removable in its entirety covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside

stand shall be more than 50 square feet in ground area and there shall not be more than 1 roadside stand on any one premises.

- 3.56 Sanitary Sewer - A constructed conduit for the collection and carrying of liquid and solid sewage wastes from 2 or more premises, other than storm water, to a sewage treatment plant and which is approved by the Wisconsin Department of Natural Resources.
- 3.57 Setback - Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within the setback lines means between the setback line and the highway."
- 3.58 Sign - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.
- 3.59 Sign, Directional - A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
- 3.60 Special Use - A use which is necessary or desirable for the public welfare, but which is potentially incomparable with the uses normally permitted in the Zoning District. Special Use as applied is synonymous with the term special exception.
- 3.61 Stable - "Stable" shall have the same meaning as "garage", one draft animal being considered the equivalent of one self-propelled vehicle.
- 3.62 Street - All property dedicated or intended for public or private street purposes or subject to public easements therefor and 21 feet or more in width.
- 3.63 Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street.
- 3.64 Structure - Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks, and disposal fields.
- 3.65 Structure, Temporary - A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short, useful life or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.

- 3.66 Structural Alteration - Any change in the 'bearing walls, columns, beams, girders, or supporting members of a structure; any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from 1 location or position to another.
- 3.67 Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.
- 3.68 Yard - An open space, other than a court, on the same lot with a structure lying between the structure and the nearest lot line and is unoccupied and unobstructed front the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- 3.69 Yard, Front - A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.
- 3.70 Yard, Rear - A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.
- 3.71 Yard, Side - A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE IV

Section 4.0 General Provisions. Except as otherwise provided:

- 4.1 The use and height of building hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which said land or building is located.
- 4.2 No alterations to any building, except uncovered steps, shall project into the front yard established at the time of the original construction of such building beyond a

line connecting the nearest points on the setback lines of the next existing buildings on each side of such building.

- 4.3 Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 24 inches, and/or up to 48 inches for solar heating systems.
- 4.4 All dwellings shall conform to minimum floor size for the District and shall have a full basement.
- 4.5 Exceptions. The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions.
- 4.51 Churches, schools, hospitals, sanatoriums, and other public and quasi-public buildings may be erected to a height not exceeding 65 feet nor 5 stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least 1 foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- 4.52 Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, setbacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, microwave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this ordinance and may be erected in accordance with the other regulations or ordinances of the Town of Oakfield.
- 4.53 Residences in the Residence and Agricultural Districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such building exceeds the height limit of the district in which it is located.

- 4.54 Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
- 4.55 Buildings an through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the. required rear yard provided that the setback requirements on both streets be complied with.
- 4.56 Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard and shall not be nearer than 5 feet to any lot line. Where an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard regulations applicable to the main building shall be applied to the necessary building.
- 4.57 Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet provided they be so located as not to obstruct light and ventilation.
- 4.6 No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
- 4.7 No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required for another building.
- 4.8 Every building hereafter erected, converted., enlarged or structurally altered shall be located on a lot and in no case shall there be more than 1 main building on 1 lot.
- 4.9 Nonconforming Uses.
- 4.91 The existing lawful use of a building or premises at the time of the enactment or amendment of this ordinance may be continued although

such use does not conform with the regulations for the district in which it is located. Except in the Exclusive Agricultural and Agricultural Transition Districts, as per Section 6.33, such nonconforming uses shall not be extended. Nonconforming mobile homes shall not be moved, relocated or placed unless in conformity with this ordinance.

- 4.92 If no structural alternations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification.. Whenever a nonconforming. use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
- 4.93 If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.
- 4.10 Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building or part thereof the construction of which shall have been started prior to the effective date of this ordinance.
- 4.11 In the Business or Industrial Districts, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided an the lot in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
- 4.12 All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least 1 car for every 5 seats provided.
- 4.13 Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

- 4.14 No permits shall be issued for a lot that abuts a public roadway dedicated to only a portion of its proposed width and located on that side of the roadway from which the required dedication has not been secured.
- 4.15 All lots shall have a minimum 50 foot frontage upon a public roadway or other officially approved means of access; however, in order to receive a building permit for construction of any principal structure, the lot must comply with the minimum lot width requirements specified for the applicable zoning district. No residence may be located a distance greater than 250 feet from the center of the public roadway without obtaining the prior approval from the Board of Appeals, the approval of which shall not be granted unless physical conditions necessitate. It is the policy of the Town to discourage flag lots. If a flag lot is authorized, the long strip for a flag lot shall abut the lot or fence line and have a minimum width of 30 feet.
- 4.16 Notwithstanding anything to the contrary in this Ordinance, the Town reserves the right to require applicants who are seeking zoning amendments, variances or special uses to reimburse the Town for its reasonable, professional fees incurred in the review or administration of the relevant petition. The Town reserves the right to condition the issuance of the permit, rezoning or other action on the reimbursement of the professional fees incurred by the Town.
- 4.17 No building, structure or use of land shall hereafter be initiated or altered except in conformity with the regulations specified by the district in which it is located. Uses not particularly specified in this Ordinance may, nonetheless, be permitted

by the Town Board, only if such uses are substantially similar in character to the principal uses permitted in the district.

- 4.18 In all residential zoning districts, all materials and equipment shall be stored within a completely enclosed building except for the following, which shall not be located within any front yard or street yard and shall be stored a minimum of 5 feet from all property lines: firewood, construction materials, landscaping materials and related equipment with on-site construction and off-street parking.
- 4.19 In all residential zoning districts recreational equipment including but not limited to, boats, snowmobiles, all terrain vehicles, travel trailers, pop-up campers and motor homes shall be permitted if said equipment is stored or parked a minimum of 5 feet from any property line and shall not be located within any front yard or any required street side yard unless screened from the street with a buffer with a minimum of 0.30 opacity. At no time shall a recreational vehicle be used for permanent living, sleeping, material storage or other purposes. No recreational vehicle shall be permanently connected to water, gas, electric, or sanitary sewer services.
- 4.20 The following are prohibited in all zoning districts:
- 4.201 disassembled, dismantled, partially dismantled, inoperable, junked, wrecked or unlicensed motor vehicles, truck bodies, tractors, trailers, boats, or campers in such state of physical or mechanical ruin as to be incapable of propulsion or of being operated upon the public streets, highways or waters.
- 4.202 abandoned, discarded or unused objects or equipment, including without limitation, furniture, stoves, refrigerators, freezers, cans, containers, lumber, trash or debris.

4.21 Wireless telecommunications towers and antennas may be installed, erected and maintained pursuant to the provisions of this section. Telecommunication towers and antennas shall not be regulated or permitted as essential services, public utilities or private utilities.

4.211 Purpose. The purpose of this Ordinance is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunications towers and antennas for use in providing personal wireless services, and the legitimate interest of the Town in regulating local zoning. The goals of this Ordinance are to protect land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design,,siting, landscape screening, and innovative camouflaging techniques; consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Town shall give due consideration to the Zoning Map, and existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

4.212 Definitions. As used in this Ordinance, the following terms shall have the meanings set forth herein:

- a) **Alternative Tower Structure:** Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.
- b) **Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- c) **Backhaul Network:** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, an/or long distance providers, or the public switched telephone network.

- d) Collocation: The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.
- e) FAA: Federal Aviation Administration.
- f) FCC: Federal Communications Commission.
- g) Height: When referring to a tower or other structure, the distance measured from finished grade to the highest point on the tower or other structure, including the base pad.
- h) Preexisting Towers/Antennas: Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Ordinance.
- i) Tower: Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

4.213 Applicability.

- a) New Towers and Antennas: All new towers or antennas in the Town of Oakfield shall be subject to these regulations, except as provided in Sections 4.213 (b) and (c).
- b) Amateur Radio Station Operators/Receive Only Antennas: This Ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- c) Preexisting Towers or Antennas: Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Ordinance, other than the requirements of Section 4.215(b).

4.214 Permit Required. No tower or antenna shall be installed unless a permit is first obtained by the owner or his agent from the Building Inspector. The following shall be required as part of the application submittal:

- a) A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Building Inspector to be necessary to assess compliance with this Ordinance;
- b) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties;
- c) The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the Town, or within one mile of the border thereof, including specific information about the location, height, and design of each tower;
- d) Landscape plan showing specific plant materials;
- e) Method of fencing, including location, materials and finished color and, if applicable, vegetative screening;
- f) Description of compliance with Section 4.215;

4.215 General Requirements. In addition to compliance with all applicable regulations of this Ordinance, the following standards shall apply for the installation of any tower or antenna:

- a) Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- b) State or Federal Requirements. All towers and antennas shall meet or exceed current standards and regulations of the FAA, FCC, and

any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner of a tower and antenna governed by this Ordinance shall bring such tower and antenna into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- c) Collocation. A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
- d) Height. Antenna height shall not be restricted, provided such device is installed and maintained in accord with applicable state or local building codes, and in compliance with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.
- e) Setbacks. A tower shall be located not closer than a distance equal to 100% of the height of the tower from any adjoining lot line. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.
- f) Separation Between Land Uses. Tower separation shall be measured from the base of the tower to the lot line of the off-site use and/or designated area as specified herein. The minimum separation distance shall be 200 feet or 300% of the height of the tower, whichever is greater.
- g) Aesthetics. Towers shall maintain galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- h) Signs. No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.
- i) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- j) Fencing. A tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. - Fence design, materials and colors shall reflect the character of the surrounding area.
- k) Landscaping. A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the tower compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived- Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- l) Appurtenant Equipment and Buildings. Antennas mounted on structures or rooftops: The equipment cabinet or structure used in association with an antenna may be located on a roof provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning code requirements.

Antennas mounted on utility poles, light poles or towers: The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable vegetation, except where the use of nonvegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.

4.216 Permitted Uses.

- a) Antennas or Towers On Existing Structures: An antenna or tower may be situated on the roof of a residential, commercial, industrial, professional, or institutional structure, provided that such device is installed and maintained in accord with applicable state or local building codes, and complies with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.
- b) Antennas On Existing Towers: The attachment of a new antenna on an existing tower may be allowed, to minimize adverse visual impacts associated with the proliferation and clustering of towers, provided that (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same type as the existing tower, unless reconstructed as a monopole; (2) An existing tower may be modified or rebuilt to accommodate the collocation of additional antenna and may be moved on-site within 50 feet of its existing location, but the relocation may only occur one time per communication tower; (3) After a tower is rebuilt to accommodate collocation, only one tower may remain on the site; and (4) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands shall only be permitted when approved by the Town.
- c) Cable Microcell Network: The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

4.217 Special Uses. The installation of towers and antennas, including the placement of appurtenant equipment or buildings, may be allowed only by special use permit and only in non-residential zoning districts. An application for a special use permit shall be subject to the procedures and requirements of Sections 12.0 and 13.0. In addition, a special use permit proposal shall include plans, specifications and other pertinent information and materials to demonstrate compliance with this Ordinance.

4.218 Removal of Abandoned Antennas and Towers. An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same

within 90 days of receipt of notice from the Town notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

4.219 Nonconforming Uses.

- a) Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- b) Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Ordinance.

4.220 Wireless Telecommunications Towers and Antennas

- a) Separation Between Towers. Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

New Tower Type	Existing Tower Type			
	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less than 75 Ft in Height
Lattice	5000	5000	1500	750
Guyed	5000	5000	1500	750
Monopole 75 Ft in Height or Greater	1500	1500	1500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

- b) Tower Height: The following criteria shall apply in determining the maximum height of a tower:

For one or more users, up to 195 feet.

- c) Availability of Suitable Existing Towers, Other Structures or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Evidence submitted to the Town to determine that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- 1) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- 2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- 3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- 4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- 5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- 6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- 7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/ receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new

tower or antenna development shall not be presumed to render the technology unsuitable.

ARTICLE V

Section 5.0 R-1 and R-2 Single-Family Residential Districts:

5.1 R-1 Single-Family Residential District With Public Sewer.

5.11 **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of single-family detached dwelling units on public sewer in the newer subdivisions.

5.12 **Permitted Uses.** The following uses of land are permitted in the R-1 District:

- a) Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
- b) Manufactured single-family homes complying with all of the following requirements and limitations:
 - 1) The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.
 - 2) The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Town Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - 3) The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - 4) The home shall be covered by a roof pitched at a minimum slope of three inches to twelve inches (3:12), which is permanently covered with non-reflective material.
 - 5) The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Oakfield.
- c) Public parks and playgrounds.
- d) Conversion of any existing building to a permitted use.

- e) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
 - f) Foster family care.
 - g) Home occupations and professional home offices.
 - h) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- 5.13 **Conditional Uses.** The following are permitted as conditional uses within the R- 1 District:
- a) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
 - b) Utilities (electric substations, telephone switching stations, gas regulators, etc.)
 - c) Bed and breakfast inns.
 - d) Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems and incinerators.
 - e) Public utility structures, except those incompatible with the characteristics of the district.
 - f) Planned residential developments.
 - g) Golf courses and private clubs.
 - h) Barbering and beauty culture.
 - 1) Nursery Schools.
- 5.14 **Area, Height and Yard Requirements.**
- a) ***Minimum Area and Width for Dwellings Served By Public Sanitary Sewer.*** The minimum lot area for one-family units shall be fifteen thousand (15,000) square feet and the minimum lot width seventy-five (75) feet at the building line; on riparian lots, seventy-five (75) feet at the water's edge.
 - b) ***Occupancy.*** Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers or boarders.
 - c) ***Location.*** Dwellings shall be located so as to abut a public highway and have a minimum of forty (40) feet of frontage thereon.
 - d) ***Ground Floor Area.*** The minimum ground floor area per dwelling unit shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half (½) vertical measurement of story must be above ground level.
 - e) ***Height.*** Not to exceed thirty-five (35) feet nor two and one-half (2-1/2) stories, measured from the foundation to the peak of the roof.
 - f) ***Side Yards.***

- 1) For buildings not over one and one-half (1-1/2) stories in height, the sum of the width of the required side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet.
 - 2) For buildings from one and one-half (1-1/2) to two and one-half (2-1/2) stories in height, the sum of the width of the required side yard shall not be less than thirty (30) feet and no single side yard shall be less than twelve (12) feet.
- g) **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

5.15 **Substandard Lots.**

- a) **Special Minimum Requirements.** A substandard lot which is at least eight thousand (8,000) square feet in area and is at least fifty (50) feet in width at the building line may be used as a building site for a single family dwelling if it meets the following requirements:
- 1) Such use is permitted in the zoning district.
 - 2) The lot is of record in the County Register of Deeds office prior to 1963.
 - 3) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Chapter.
 - 4) All dimensional requirements of this Chapter are complied with.
 - 5) The lot is served by a sanitary sewer, or has a sanitary permit issued by County Sanitarian under County Sanitary Ordinance.
- b) **Side Yards.** On a single lot having a width of less than sixty (60) feet and of record at the time of the original passage of this Chapter, the sum of the widths of the required side yards shall be not less than the equivalent of five (5) inches per foot of lot width for buildings not over one and one-half (1-1/2) stories high, and of six (6) inches per foot of lot width for buildings from one and one-half (1-1/2) to two and one-half (2-1/2) stories high and no single side yard shall be less than forty percent (40%) of the total required side yard width; provided further that the buildable width of any such lot in no case shall be reduced to less than thirty (30) feet.
- c) **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

5.2 **R-1 Single-Family Residential District Without Public Sewer.**

- 5.21 **Purpose.** The purpose of the R-2 District is to provide the opportunity for construction and maintenance of single-family detached dwelling units without public sewer in the newer subdivisions.
- 5.22 **Permitted Uses.** The following uses are permitted in the R-2 District:
- a) Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
 - b) Manufactured single-family homes complying with all of the following requirements and limitations:
 - 1) The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.
 - 2) The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Town Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure a proper support for the home.
 - 3) The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - 4) The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - 5) The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Oakfield.
 - c) Public parks and playgrounds.
 - d) Conversion of any existing buildings to a permitted use.
 - e) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
 - f) Foster family care.
 - g) Home occupations and professional home offices.
 - h) Uses customarily incident to any of the above uses, provided that no such uses generates traffic or noise that would created public or private nuisance.
- 5.23 **Conditional Uses.** The following uses are permitted as conditional uses within the R-2 District:
- a) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
 - b) Utilities (electric substations, telephone switching stations, gas regulators, etc.).

- c) Bed and breakfast inns.
- d) Churches and public buildings, except public building housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.
- e) Public utility structures, except those incompatible with the characteristics of the district.
- f) Planned residential developments.
- g) Golf courses and private clubs.
- h) Nursery schools.

5.24 **Area, Height and Yard Requirements.**

- a) ***Minimum Area and Width for Dwellings Not Served By Public Sanitary Sewer.***
 - 1) The minimum lot area for one-family units shall be sixty thousand (60,000) square feet and the minimum lot width one hundred twenty (120) feet at the building line; on riparian lots, seventy-five (75) feet at the water's edge.
 - 2) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of H82.20 and/or H85, Wis. Adm. Code, or the Sanitary Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by the zoning ordinance.
 - 3) The Building Inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance.
- b) ***Occupancy.*** Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers or boarders.
- c) ***Location.*** Dwellings shall be located so as to abut a public highway and have a minimum of fifty (50) feet of frontage thereon.
- d) ***Ground Floor Area.*** The minimum ground floor area per dwelling units shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half (½) vertical measurement of story must be above ground level.
- e) ***Height.*** Not to exceed thirty-five (35) feet nor two and one-half (2-1/2) stories.
- f) ***Side Yards.***
 - 1) For buildings not over one and one-half (1-1/2) stories in height, the sum of the width of the required side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet.

- 2) For buildings from one and one-half (1-1/2) to two and one-half (2-1/2) stories in height, the sum of the width of the required side yard shall not be less than thirty (30) feet and no single side yard shall be less than twelve (12) feet.
- g) **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable county ordinances and state laws.

5.25 **Substandard Lots.**

- a) **Special Minimum Requirements.** A substandard lot which is at least sixteen thousand (16,000) square feet in area and is at least fifty (50) feet in width at the building line may be used as a building site for a single family dwelling if it meets the following requirements:
 - 1) Such use is permitted in the zoning district.
 - 2) The lot is of record in the County Register of Deeds office prior to the original effective date of this Chapter.
 - 3) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Chapter.
 - 4) All dimensional requirements of this Chapter are complied with insofar as practical.
 - 5) The lot has a sanitary permit issued by County Sanitarian under County Sanitary Ordinance.
- b) **Side Yards.** On a single lot having a width of less than sixty (60) feet and of record at the time of the original passage of this Chapter, the sum of the widths of the required side yards shall be not less than the equivalent of five (5) inches per foot of the lot width for buildings not over one and one-half (1-1/2) stories high, and of six (6) inches per foot of lot width for buildings from one and one-half (1-1/2) to two and one-half (2-1/2) stories high and no single side yard shall be less than forty percent (40%) of the total required side yard width; provided further that the buildable width of any such lot in no case shall be reduced to less than thirty (30) feet.
- c) **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable county ordinances and state laws.

ARTICLE VI

Section 6.0 Exclusive Agricultural District (A-1)

PURPOSE

- 6.1 Purposes: The Purposes of the A-1 District are to: (1) preserve productive agricultural land for food and fiber production; (2) preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incomparable uses; (5) reduce costs of providing services to scattered non-farm uses; (6) pace and shape growth; (7) implement the provisions of the county agricultural plan as adopted and periodically revised; and (8) comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under s.71.09(11).

LANDS INCLUDED WITHIN THIS DISTRICT

- 6.2 Lands Included Within This District: This district is generally intended to include prime agricultural lands historically exhibiting high crop yields, which generally consist of Class I, II and III soil capability classes established by the Soil Conservation Service, USDA. This district also includes other lands which are integral parts of productive farm operations.

PERMITTED USES

- 6.3 Permitted Uses: The following are permitted uses unless regulated as special uses under 6.4.

- 6.31 Agricultural Uses: Beekeeping; dairying, egg production; floriculture; forest and game management; grazing; livestock raising (less than 500 cattle or 1500 hogs or sheep); orchards; plant greenhouse and nurseries; poultry raising (less than 5,000 fowl); raising of grain, grass, mint, and seed crops; raising of fruits, nuts, berries; sod farming and vegetable raising. (Source s. 91.01 (1) Wis. Stats.) Existing farm dwellings and related structures which remain after farm consolidation or farm sale may be separated from the farm lot.
- 6.32 Agriculturally-Related Residences: The only residences allowed as permitted uses are those with a use consistent with agricultural use and which are to be occupied by a person who, or a family with at least one member of which, earns a majority of his or her gross annual income from farm operations on the farm parcel, or a parent or child of the owner who resides on the parcel and who previously conducted the majority of the farm operations.
- 6.33 Pre-Existing Residences and Residential Lots: Pre-existing residences located in areas subject to zoning under this section which do not conform to paragraph 6.32 may be continued in residential use and shall not be subject to any limitations imposed or authorized under s. 59.97 (10). Such pre-existing residences may be altered, repaired or rebuilt if destroyed but are subject to setback, height and other dimensional requirements. Residential lots of record in separate ownership from adjoining lands at the date of the adoption of this section may be used for new residences (but only one per lot of record), which shall then be classified as pre-existing residences.
- 6.34 Other Agriculturally-Related Structures and improvements: No structure or improvement may be built unless consistent with the individual owner's agricultural use, or unless otherwise permitted by this ordinance.
Comment- Source 91.75 (3)
- 6.35 Permitted Utility Uses: Gas and electric utility uses not requiring authorization under s. 196.491 (Certain electric generating facilities and transmission lines)

SPECIAL USES

6.4 Special Uses.

6.41 Specific Uses.

- 1) Agricultural related, religious, other utility uses which are not permitted uses, institutional or governmental uses which do not conflict with agricultural use and are found necessary in light of alternative locations available for such uses.
- 2) On-site agricultural retail land uses for uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within on-site agricultural retail operations and such activity constitutes retail sales as a commercial land use. Packaging and equipment used to store, display, package or carry products for the convenience of the operation or its customers, such as egg cartons, baskets, containers and bags, shall be produced off-site. In addition, no structure or group of structures shall exceed 500 square feet in floor area; no structure shall exceed 12 feet in height; all structures shall meet the required setbacks for non-residential land uses; and, signage shall be limited to one on-site sign that will not exceed 30 square feet in area.
- 3) Farm Consolidation: The separation of farm residences or structures from the larger farm parcel may be allowed as a special use if it meets all of the following requirements:
 - 1) The separation is for the purpose of farm consolidation;
 - 2) The residence(s) or structure(s) existed prior to the adoption of the ordinance;
 - 3) The separated parcel is no larger than reasonably necessary to accommodate the proposed use;
 - 4) The separation meets all of the standards applicable to special uses; and
 - 5) The created parcel must conform to the regulations contained in this Ordinance.
- 4) Intensive Agriculture: Intensive agricultural land uses include all operations primarily oriented to the on-site raising or use of animals at an intensity equal to or exceeding one animal unit per acre or agricultural activities requiring large investments in structures. Examples of such land uses include feed lots, hog farms, poultry operations, fish farms, and commercial greenhouse operations. In addition to meeting the standards applicable to

special uses, below, intensive agricultural land uses shall meet the following requirements:

- 1) Shall not be located in or adjacent to an existing or platted residential subdivision;
- 2) Shall be completely surrounded by a buffer yard of not less than 300 feet;
- 3) All buildings, structures, outdoor storage areas and outdoor animal containments shall be located a minimum of 300 feet from all residentially-zoned property and 100 feet from all other lot lines;
- 4) Shall be located in an area that is planned to remain commercially viable for agricultural land uses; and
- 5) Such other conditions and restrictions reasonably necessary to protect the public's health, safety and general welfare.

5) Windmills and wind generating power structures of all types and sizes, whether owned by a public utility or otherwise. The provisions of Section 4.21 applicable to wireless telecommunications towers and antennas shall apply where relevant.

6) Game farms and hunting preserves, including skeet and trap ranges.

6.42 Standards Applicable to Special Uses: The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any special uses. In passing upon applications for special uses, the Board of Appeals shall consider the following relevant factors.

1. The statement of purpose of the zoning ordinance and the A-1 district.
2. The potential for conflict with agricultural use.
3. The need of the proposed use for a location in an agricultural area.
4. The availability of alternative locations.
5. Compatibility with existing or permitted uses on adjacent lands.
6. The productivity of the lands involved.
7. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
8. The need for public services created by the proposed use.

9. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
10. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

6.43 Conditions Which May be Attached to Special Uses: Upon a consideration of information supplied at the public hearing and a review of the standards contained in 6.42, the following conditions may be attached to the granting of a special use increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planing screens, sureties, operational controls, erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this ordinance. A performance bond may be required to insure compliance with such requirements. Violation of these conditions shall constitute a violation of this ordinance as provided in Section 17.

MINIMUM LOT, HEIGHT, AND YARD REQUIREMENTS

6.5 Minimum Lot, Height and Yard Requirements:

6.51 Minimum Lot Size-

1. The minimum lot size to establish a separate parcel for an additional residence for persons earning a majority of their taxable income from the farm operation shall be 60,000 sq. feet.
2. Where an additional residence for persons specified in (2) above is located on a farm without creating a separate parcel, the residence shall be at least 100 feet from other residences.
3. The minimum lot size for farm residences or structures which existed prior to the adoption of this ordinance and which are separated from a larger parcel through farm consolidation or sale shall be 60,000 feet.

6.52 Yards:

1. The minimum side and rear yards for farm dwellings and accessory structures shall be 10 feet from the nearest lot lines.
2. Highway setbacks for farm dwellings and structures shall be as specified in Section 10 of this ordinance.

6.53 Minimum lot size, height and yard requirements for special exceptions:

1. The minimum lot size, height, and yard requirements for special exception uses shall be as specified in the special exception permit, but in no case shall be less than 50 feet from a lot line and shall be set back at least the distance specified in Section 10 of this ordinance.

STANDARDS FOR REZONING.

6.6 Standards For Rezoning: The Department of Agriculture, Trade and Consumer

Protection shall be notified of all rezonings. Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings which consider the following:

1. Adequate public facilities to serve the development are present or will be provided.
2. Provision of these facilities will not be unreasonable burden to local government.
3. The land is suitable for development.
4. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
5. The potential for conflict with remaining agricultural uses in the area.
6. The need of the proposed development location in an agricultural area.
7. The availability of alternative locations.
8. The productivity of the agricultural lands involved.
9. The location of the proposed development to minimize the amount of agricultural land converted.

NOTE: The inclusion of items (1)-(4) meets the requirements of s. 91.77(1). In addition, the local government may also want to consider the effect of the rezoning on nearby farmers, the agricultural land base of the area, and the potential for land use conflicts. Items (5)-(8) include these other concerns. Local governments may want to add to the list. The findings should be made in writing with a copy to the applicant and the Wisconsin Department of Agriculture, Farmland Preservation Section, which under s. 91.77.(3) must be notified of all rezonings.

ARTICLE VII

Section 7.0 Agricultural Transition District (A-T):

PURPOSE

- 7.1 Purpose: The purpose of the A-T district are to: (1) provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) ensure that urban development is compatible with local land use plans and policies; (4) provide periodic review to determine whether all or part of the lands should be transferred to another zoning district. Such review shall occur: (a) a minimum of every five years; (b) upon completion or revision of a county agricultural preservation plan or municipal land use plan which affects lands in the district; or (c) upon extension of public services, such as sewer and water, necessary to serve urban development.

LAND INCLUDED IN THIS DISTRICT

- 7.2 Lands Included Within this District: This district is generally intended to apply to lands located adjacent to incorporated municipalities or urbanized areas where such land are predominantly in agricultural or related open space use but where conversion to non-agricultural use is expected to occur in the foreseeable future. Lands indicated as transition areas in the agricultural plan and similar land are to be included.

PERMITTED USES

- 7.3 Permitted Uses: Same as Section 6.3 Exclusive Agricultural District (A-1)

SPECIAL USES

- 7.4 Special Exceptions: Same as Section 6.4 Exclusive Agricultural District (A-1).

MINIMUM LOT, HEIGHT, AND YARD REQUIREMENTS

- 7.5 Minimum Lot, Height and Yard Requirements: Same as Section 6.5 Exclusive Agricultural District (A-1).

STANDARDS FOR REZONING

- 7.6 Standards for Rezoning: Same as Section 6.6 Exclusive Agricultural District (A-1).

Comment: This is a separate exclusive agricultural zoning district of a short-term nature. The Farmland Preservation Law recognizes that it may be desirable to limit some areas needed for future development to agricultural use on a short term basis. S. 91.55 (b) states: Transition areas shall be areas in predominantly agricultural use which the plan identifies for future development.

ARTICLE VIII

Section 8.0 Business District

- 8.1 Special Uses: The Business District is intended to provide space for those retail, business, service business and office uses serving the area.. Within the Business District the following uses are permitted:

- 1) Any use permitted in R-Residence District
- 2) Retail stores and shops
- 3) Banks, post office, medical or dental clinics; business or professional offices
- 4) Service-type business, such as barbershop, beauty parlor, laundromat, music, dancing, art or photography studio, servicing or repair or home appliances or farm equipment and similar uses.
- 5) Automobile service stations and public garages; new or used car sales areas; new or used farm equipment sales areas; but not including the storage of wrecked vehicles or wrecked farm equipment
- 6) Hotel, motel, boarding or lodging houses, and dwelling units located on the same lot with such a permitted use
- 7) Clubs, lodges, public meeting halls, theaters, bowling alley, similar places of assembly or recreation
- 8) Blacksmith shops, machine shops, welding shops, sheet metal shops
- 9) Farm implement sales
- 10) Feedmill

8.2 Regulations and Standards:

- 8.21 All residence uses shall comply with regulations and standards provided for R-Residence District, Section 5.0.
- 8.22 Height of Buildings: Not to exceed 60 feet.
- 8.23 Side Yard. As established for R-Residence District, Section 5.14 (f).
- 8.24 Setback. As established for R-Residence District.
- 8.25 Rear Yard. As established for R-Residence District, Section 5.14 (g).
- 8.26 Minimum Lot Size. As established for R-Residence District, Section 5.24 (a) (1).

- 8.27 When an apartment or residence is a part of the business structure, then there shall be additional square footage sufficient to qualify the same under the requirements for residences in the R-Residence District and subject to the alternative provisions and the tests provisions therein contained. This same provision shall apply to multiple family residence, boarding houses and lodging houses.
- 8.28 Off-Street Parking Space: Off-street parking spaces shall be provided as follows:
- 8.281 1 off-street parking space per dwelling unit or lodging unit on the same lot or tract of land of such dwelling unit or lodging unit served.
- 8.282 1 off street parking space per person, normally employed on the lot or tract of land.
- 8.283 1 off street parking space for each, 100 square feet of retail sales floor area of the establishment being served.

ARTICLE IX

Section 9.0 I-Industrial District

- 9.1 Permitted Uses- In the I-Industrial District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for 1 or more of the following uses:

- 1) Any use permitted in the Business District, but not including religious, educational and institutional uses or residential uses other than the dwelling of a watchman or caretaker employed on the premises, the residence of a farmer engaged in general farming on the premises or dormitories and bunkhouses for the accommodation of seasonal workers employed in the harvesting processing or manufacture of food and food products.
- 2) Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
- 3) General farming.

- 4) Knitting mills and the manufacture of products from finished fabrics.
- 5) Laboratories.
- 6) Manufacture of goods from leather, but not tanning or hides, or manufacture of leather.
- 7) Manufacturing of products not otherwise prohibited.
- 8) Printing and publishing.
- 9) Processing, packing and manufacture of food, except meat and meat products, fish and fish products, sauerkraut and cabbage by-products or the vining of peas.
- 10) Repair, service and assembly of motor-propelled or non-motor-propelled vehicles, including the repair, and storage of automotive accessories, except the wrecking of motor-propelled vehicles; black-smithing, tin-smithing and welding shop.
- 11) Storage and warehousing of fuel and materials and the storage of wrecked and dismantled vehicles, junk, explosives, or inflammable gases or liquids.
- 12) Wholesale business.

Any other uses similar in character to or customarily established in connection with the foregoing.

9.2 Regulations and Standards

9.21 Minimum Lot Size - 100 feet at building line, 40,000 square feet in area.

9.22 Maximum Coverage - The amount of the total lot area which may be covered by all principal and accessory building shall not exceed 50%.

9.23 Required Yards and Open Spaces - On every lot in the I-Industrial District yards shall be required as follows:

A front yard on each lot line abutting a street, a side and a rear yard, except in the case where 3 lot sides abut a street, there shall be required in addition to 3 front yards, a side yard.

- 9.231 Front Yard - Depth where a lot abuts a highway or street shall be 60 feet front the right-of-way.

If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of buildings existing on the block face where the building is to be located, but not less than 15 feet from the right-of-way.

- 9.232 Side-Yard - Width shall be 10 feet or greater, no accessory building shall project into the required side yard space.

- 9.233 Rear Yard - Depth shall not be less than 25 feet. Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.

Where a lot abuts a lot in a R-Residence District there shall be provided along such lot line a suitable buffer or plant materials, fencing or a combination of both, to shield the residential area from the industrial area. Where the transition from the I-Industrial District to the R-Residence District is a public street, the front yard in the I-Industrial District shall be suitably landscaped.

- 9.24 Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particulate matter, glare and heat or as to create fire or explosive hazards.
- 9.25 Off-Street Parking-Space - Off-street parking shall be provided as follows:
- 9.251 1 off-street parking space per person normally employed on the lot or tract of land.
- 9.252 1 off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.
- 9.26 Signs - Signs are permitted as an accessory use to the principal use of the premises.
- 9.261 The gross area of signs per establishment shall not exceed 2 times the lineal feet of frontage of the Zoning lot on which such signs are located.

- 9.262 No signs affixed to a structure shall project more than 3 feet beyond the limits of such structure and shall not project across lot lines.
- 9.27 On lots not served by public sewer, sufficient lot area shall be provided so that the requirements of Fond du Lac County Sanitary Code and all provisions of the Administrative Code relating to the use and occupancy of the building are complied with.
- 9.3 Special Uses. Non-metallic mineral extraction operations, including washing, crushing, quarrying, borrow pits or other processing or removal of non-metallic mineral resources. The above operations are subject to the special use provisions of this Ordinance.

ARTICLE X

Section 10.0 Highway Setback Lines

- 10.01 In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be and they are hereby established in the Town of Oakfield, Fond du Lac County, Wisconsin, outside the limits of incorporated cities and villages; along all public highway, at the intersections of highways with highways and highways with railways as hereafter provided.
- 10.02 Where a highway is located on a village boundary, this section is not intended to be effective on the side within the village, nor off the side within another town where the highway is located on a town boundary.
- 10.1 Classes of Highways and Center Lines - Highways are classified and the position of the center line shall be determined as follows:
- 10.11 Class 1 Highways.

- 13) Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is the midway point between the edges of the road surface.
- 14) Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is at the center of the surfacing or pavement, or, if there be none, the center of graded roadbed.
- 15) Roads and streets in platted subdivisions not otherwise classified. The center line is the midpoint between the edges of the road surface.
- 16) Private roads. The center line is at the mid-point between the edges of the road surface.

10.12 Class 2 Highways.

- 1) County trunk highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board or their agent, the County Highway Committee. The center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
- 2) County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board or their agent, the County Highway Committee. The centerline is at the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

10.13 Class 3 Highways. State Trunk Highways, except as hereinafter provided, that have been approved according to surveys and plans of the State Highway Commission or plans accepted by the County Board, and United States highways. The center line is the center of the roadbed, or the center of the surfacing or pavement of the adjacent lane if the highway is to be paved as a double-divided road.

10.2 Structures Prohibited Within Setback Lines: No new building, mobile home, new sign or other structure or part thereof shall be placed between the setback lines established, by this ordinance and the highway, except as provided by this ordinance, and no building, mobile home, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall be altered, enlarged or added to in any way that

increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the local assessor.

10.3 Structures Permitted Within Setback Lines: The following kinds of structures may be placed between the setback line and the highway:

10.31 Open fences.

10.32 Telephone, telegraph and power transmission poles and lines and micro-wave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided the owner file with the Town Board an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at his expense, when necessary for the improvement of the highway.

10.33 Underground structures not capable of being used as foundations for future prohibited overground structures.

10.34 Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum sight distances.

10.35 This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed.

10.4 Setback Distances: Except as otherwise provided, the distances from the center- line to the setback line applicable to the various classifications of highways as defined in Paragraph 10.1 of this section, shall be as provided by the following paragraphs of this subsection, respectively.

10.41 Whenever a highway is improved to a classification requiring a greater setback distance than that required by this ordinance prior to such improvement, the setback distance shall be that applicable to the latter classification.

- 10.42 In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
- 10.43 Along Highways Generally. The setback distances from the center line, at any point for the respective classes of highways, shall be as follows:
- 10.431 Class I highway, 100 feet, except in a platted subdivision with interior roads where the setback distance shall be 30 feet from the right-of-way lines as shown on the recorded plat; also excepting lots abutting on private roads where the setback distance shall be 50 feet from right-of-way line but not less than 75 feet from the center line of said road as shown on the instrument creating said road or road easement.
- 10.432 Class 2 and Class 3 highways, 100 feet; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the boundary line of the highway, be less than 60 feet for Class 2 and Class 3 highways.
- 10.44 At Ordinary Highway Intersections. At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class 2 Highways or Class 3 Highways, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points on the setback lines along the intersecting highways and 50 feet back from the intersection of such setback lines.
- 10.45 At Highway Intersections with Transitional Widening. At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.
- 10.46 At Highway intersections with Curve Connections. At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the center of the curved section.
- 10.47 At Railroad Grade Crossings. At railroad grade crossings there shall be vision clearance triangles in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way line and the highway

setback line and 75 feet back from the intersection of such highway setback lines and such railway right-of-way line.

ARTICLE XI

Section 11.0 Signs and Billboards

11.1 The purpose of this article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs and billboards. The provisions herein shall be binding upon every owner of a building, every lessee and every person in charge or responsible for who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Town with the exception of painting, posting and general maintenance. The following definitions apply to this article:

10. Billboard. A sign that advertises goods, products or facilities or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
11. Directory Sign. Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directors. Directory signs shall be encouraged for use when advertising of multiple-occupied commercial and industrial buildings.
12. Identification Sign. Any sign that carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or a combination of these.
13. Off-Premise Sign. Any sign, device, or display that advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.
14. Sign. A sign shall include anything that promotes, calls attention to, or invites patronage to a business, location or product.
15. Temporary Sign. Any sign that is erected or displayed for a limited period of time not to exceed 28 consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed 8 square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this article, a portable sign is not a temporary sign.

- 11.2 No sign or billboard shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity of the provisions of this article. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. The application for a sign permit shall contain the following information about the sign: dimensions, display surface, materials, illumination, wiring, height above grade, distance from lot lines, and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change when no change in business name is involved. A permit fee shall be determined by the Town Board and shall be paid to the Town Clerk for each sign application.
- 11.3 The following signs do not require a permit, provided that they are not located over a public road right-of-way or in, on or over public water:
1. warning signs not to exceed 4 square feet located on the premises.
 2. official signs, such as traffic control, parking restriction, information and notices, rummage or garage sales signs not to exceed 8 square feet in area, but use of this type of sign shall be limited to 72 hours per sale.
 3. flags and insignia of any government.
 4. legal notices, identification information or directional signs erected by governmental bodies.
 5. signs directing and guiding traffic and parking on private property.
 6. political message signs during an election campaign, as defined in sec.12.04, Stats.
 7. house numbers or signs identifying parks or country clubs or official bulletin boards.
 8. real estate signs not to exceed 8 square feet in area that advertise the sale, rental or lease of the premises upon which signs are temporarily located.
 9. bulletin boards for public, charitable or religious institutions not to exceed 8 square feet in area located on the premises.
- 11.4 The following signs are permitted in all commercial and industrial districts, subject to the following restrictions:

- 1) wall signs placed against the exterior walls of buildings shall not extend more than 6 inches outside of the wall surface; shall not exceed 300 square feet in area for any one business and shall not exceed 20 feet in height above the street grade. Wall signs may only advertise on-site businesses.
- 2) ground signs shall not exceed 10 feet in height above the street grade; shall meet all yard requirements for the district in which it is located and only one sign for each street frontage shall be permitted. Such signs shall not exceed 32 square feet in total area.
- 3) no sign shall be permitted to face a Residential District within 100 feet.
- 4) business and industrial signs may be internally lighted by a hooded reflector, provided that such lighting shall be arranged to prevent glare and that no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, signs having moving parts, or signs which may be mistaken for traffic signal devices are prohibited.
- 5) no sign or advertising device shall be erected or maintained at the intersection of the streets in such a manner as to obstruct a clear vision of the intersection.

11.5 The following signs are prohibited:

- 1) signs that resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices.
- 2) signs that have any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs.
- 3) signs that create a hazard to vehicular traffic or a nuisance to adjoining residential property.
- 4) signs on public rights-of-way, except for public entity signs for traffic control, parking and directional signs as authorized by this Ordinance.

11.6 All signs shall be removed by the owner or lessee of the premises upon which the sign is located if in the judgment of the Town such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe. If the owner or lessee fails to remove it, the Town may remove the sign at the cost of the owner, following adequate notice. The cost to remove the sign may be placed on the owner's tax bill as a special charge.

- 11.7 Portable signs shall be limited in use to 15 days at a time following approval by the Town; provided, however, that such signs shall not be displayed more frequently than 4 times per calendar year at any one location and not more than 15 days each time. The maximum size of a portable sign shall be 10 square feet on each face, back-to-back. Portable signs shall not be located in any public rights-of-way.
- 11.8 A sign loses its non-conforming status if one or more of the following occurs:
- 2) if the sign is damaged by fire, flood, explosion, or earthquake, war, riot or Act of God, the sign may be reconstructed and used as before if it is reconstructed within 3 months after such calamity.
 - 3) the sign is relocated.
 - 4) the sign fails to conform to the Town requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
- 11.9 Nothing in this Article shall relieve the owner or lessee of a legal non-conforming sign from the provisions of this Ordinance regarding safety, maintenance and repair of signs.

ARTICLE XII

Section 12.0 SPECIAL USES.

- 12.1 A “Special Use” (also known as a “conditional use”) is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning districts established herein. It is hereby declared the policy and purpose of this ordinance to employ the Special Use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property

rights. Special Use standards for the Exclusive Agricultural and Agricultural Transition Districts are detailed in Section 6 and 7 of this Ordinance.

12.2 Standards. No application for a special use shall be granted by the Board of Appeals unless the Board shall find all of the following conditions are present:

- 12.21 That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 12.22 That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the special use and the proposed use is compatible with the uses of adjacent land.
- 12.23 That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 12.24 That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- 12.25 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 12.26 That the special use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- 12.27 That the proposed use does not violate floodplain regulations governing the site.
- 12.28 That adequate measures have been or will be taken to prevent or control water pollution, including sedimentation, erosion and runoff.
- 12.29 That the proposed use is reasonably necessary for the public convenience at that location.
- 12.30 That in the case of an existing non-conforming use, the proposed use will make the existing non-conforming use more compatible with its surroundings.

12.3 Schedule of Special Uses. Special uses which may be authorized by the Board of Appeals are as follows:

12.31 Multiple Family Dwelling in the R-Residence District shall be subject to the standards and regulations as set out in Article V, R-Residence District, the following paragraphs 5.14 (b) and (c), 5.24 and 5.24 (e) together with the following additional standards and regulations.

- 1) Ground Floor Area. Minimum ground floor area per dwelling unit shall be for each 1-bedroom unit, 700 square feet; for each 2-bedroom unit, 800-square feet; for each 3-bedroom unit, 1,000 square feet - exclusive of common use hallways.
- 2) Off-Street Parking Space. Off-street parking spaces of not less than 300 square feet for each space required shall be provided on the same lot or tract of land as the dwelling served, located not less than 10 feet from any front lot line and not less than 5 feet from any side or rear lot line: 1.5 spaces for each 1-bedroom unit; 1.5 spaces for each 2-bedroom unit and 2 spaces for each 3-bedroom unit and no such space shall be rented or leased to a non-resident of the premises.
 - 1) Parking areas shall be screened with decorative fence or shrubbery from the street and adjacent property and shall provide sufficient area so that vehicles may re-enter the public highway in a forward direction.
- 3) Dimensions of Building Sites.
 - 1) Minimum area and width for a 3-family unit shall be a minimum of 2 acres with a minimum lot width of 200 feet.
 - 2) For more than a 3-family unit, there shall be a minimum of 2 acres plus 7500 square feet per family unit in excess of 3 with a minimum lot width of 250 feet.
 - 3) Side Yard. Sum of the required side yards shall be 15 feet per unit with a maximum of 40 feet; no single side yard shall be less than 40% of the required total. A two-unit building would require total side yard width of 30 feet, approximately 15 feet on each side.
- 4) Site Improvements.

- 1) Refuse disposal shall be in metal containers in the rear yard and appropriately screened and accessible for removal from a driveway or a yard serviced driveway.
- 2) Such additional screening shrubbery and the like as shall be necessary and reasonable in order to retain the esthetic values of the area and to protect adjacent property.
- 3) Such fencing as may be necessary for the safety of the occupants and the public generally.

12.32 In the A-1, A-7, or I-Industrial District:

- 1) Automobile wrecking yard or junk yard, in the Industrial District only.
- 7) Sanitary landfill.
- 3) Canneries, cheese factories, condenseries, creameries, pea viners and such other establishments for the processing, packing or manufacture of the agricultural products of Fond du Lac County as may have a nuisance factor not separable therefrom, such as the emission or effluence of noxious or odorous wastes or by-products.
- 4) Charitable institutions.
- 5) Ponds constructed for the purpose of raising or keeping ducks and other waterfowl.
- 6) In the Industrial District only, mineral extraction operations, including washing, crushing, quarrying, borrow pits, or other processing or removal or mineral resources,, the erection of buildings and the installation of necessary machinery used in the said extraction and processing, and the preparation of hot black top mix or ready-mix concrete, and the operation of lime kilns, provided that:
 - 1) An application for a permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing proposed and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for the completion of the extraction and commencement and completion dates for the reclamation a reclamation plan, and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.

- 2) The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than a 3 to 1 horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from said street or highway distance not less than that required for buildings and structures under this ordinance; all final slopes shall be covered with topsoil and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation the area shall be cleared of all debris and be left in a clean condition, subject to the approval of the Board of Appeals. The reclamation plan shall indicate the proposed future use or uses of the site, however, the proposed re-use of the site for a dumping grounds shall have the concurrence of the Board of Appeals.
- 3) Application for a permit for mineral extraction operations proposed to be located within 600 feet of a residence district, a residential subdivision or a city or village limits line, or within 300 feet of any building occupied for residence purposes; or for a hot blacktop mix or a ready-mix concrete plant, shall not be granted except on approval of the Board of Appeals given after the public hearing has been held.
- 4) The permit shall be for a period of time as stated in the application or as modified by the Board of Appeals. Modification of the application or reclamation plan may be permitted through appeal, or additional conditions may be required. The Board of Appeals shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application and/or reclamation plan may be approved, approved conditionally, or rejected.
- 5) No permit shall be granted for a period of time exceeding 4 years, unless approved by the Board of Appeals. A renewal may be granted upon application provided that the applicant has, fully complied with the terms of this ordinance and the permit issued hereunder. The Board of Appeals may require a public hearing prior to such renewal.
- 6) A filing fee of \$50 shall be required for each initial application, and a filing fee of \$20 for each renewal application.

- 7) All existing mineral extraction operations lawfully operated and existing shall be considered non-conforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this ordinance.
- 6) In the A-1 or the A-T district mineral extraction operations may be authorized as a special use provided that the mineral extraction operation shall take place for less than two years, and the land shall be restored to agricultural production within another two years.

12.326 Micro-wave radio relay structures and mechanical appurtenances.

12.327 Penal and correctional institutions.

12.328 Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in a R-Residence District not used for the same purpose.

12.329 Public utility or public service corporation building or structures, provided that the Board of Appeals shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.

12.330 Public boat liveries and marines, public beaches and bathhouses, public parks, golf grounds, picnic areas and swimming pools, and other recreational uses similar in character to or customarily established in connection with the foregoing; provided, however, that no permit shall be issued until plans for sanitary facilities shall have been approved as adequate by the County Sanitarian.

12.331 Mobile home parks in the R-Residence District only, subject to the following provisions.

- 1) Application. No mobile home park may be developed or expanded without a building permit issued by the Building Inspector in accordance with this ordinance. The Building Inspector shall not issue a permit for a mobile home park or expansion of a mobile home park until:

- 1) A petition to establish and develop a mobile home park has been submitted with a fee of \$50 to the Building Inspector. The petitioners shall submit 4 complete copies of all plans and specifications containing information as required herein. The Building Inspector shall send 1 copy to the Town Chairman, who shall convene the Town Board as a Town Plan Committee for recommendations and review to the Building Inspector within 30 days 1 copy to the Town Clerk who shall call the hearing and shall notify the following: the applicant, the Town Board, the Building Inspector, and the County Planning Department. The Building Inspector shall also forward 1 copy of the plans and specifications to the County Planning Department for review and comment.
 - 2) A public hearing has been held in accordance with this section and the Town Plan Committee has submitted a report recommending approval of the mobile home park, and the Board of Appeals has approved the plans.
 - 3) The application and plans for a mobile home park equal or exceed the requirements noted herein. The plans submitted and approved by the Board of Appeals and Plan Committee shall be made a condition for granting the special permit.
- 2) Plans specifications to be submitted: Complete final site plans for mobile home parks shall be submitted at a scale of no less than 50 feet to the inch and shall show the area and dimensions of the proposed mobile home park, the street and lot layout, the location of water, natural gas and sewer lines, a drainage plan for the mobile home park prepared by a registered engineer, location and dimensions of all buffers, office structures, utility buildings, recreation areas, etc., and electric and telephone distribution lines.
 - 3) Development requirements and standards: The park shall be designed and constructed in accordance with the following requirements:
 - 1) Site Preparation. The mobile home park shall be fitted to the terrain, with a minimum disturbance of the land. Existing trees, rock formations and other natural site features shall be preserved to the extent practical. The developer shall provide the mobile home park with public sewer system or approved private sewerage collection and

treatment system, and an approved public or private water utility system.

- 2) Size and density. The minimum area allowable for a park shall be 10 acres and the maximum density of mobile homes within the park shall be 1 mobile home per 40,000 sq. ft. (Total area of park divided by 40,000 sq. ft. equals maximum number of mobile homes).
- 3) Mobile Home space. Each mobile home space shall be clearly defined and shall abut on a driveway of not less than 50 feet in width of which not less than 22 feet shall be paved, with unobstructed access to a public street, and each mobile home space shall contain no more than 1 mobile home and accessory structures; the mobile home and accessory structures shall not occupy more than 30% of the site area.
 - aa) Each mobile home shall contain a minimum of 800 square feet.
 - bb) Minimum yards required between mobile homes or any enclosed appurtenances and lot lines shall be: Front yard, 10 feet; Side yard, 20 feet between units or appurtenances; Rear yard, 15 feet.
- 4) Mobile home skirting. All mobile homes shall have around their entire perimeters a continuous skirting material of wood, metal or masonry of not more than 25% open face extending from the bottom of the mobile home to the finished grade of the mobile home stand. Said skirting shall be broken only to provide for such necessary appurtenances as porches or trailer hitches where skirting would prevent the provision of same.
- 5) Street improvements. All streets shall be paved according to the standards and specifications used for bituminous road construction by Fond du Lac County.
- 6) Street lighting. All streets or driveways within the park shall be lighted at night with electric lights providing a minimum average illumination of 0.2 foot candles.

- 7) Required Recreation Area. A minimum of 8% of the gross site area shall be devoted to recreational facilities.
 - 8) Required buffers. Mobile home parks shall be surrounded by buffer strips at least 15 feet in depth on the sides and rear and 65 feet in depth along the front; provided, however, that no side or rear buffers are required between adjacent mobile home developments. Buffers shall be attractively landscaped and maintained, and shall otherwise be unoccupied except for permitted utility facilities, approved signs or entrance ornamentations. The inside 35 feet of a 65 foot front buffer may be used for street or driveway right-of-way, or recreational facilities.
 - 9) Parking. There shall be a minimum of 2 paved parking spaces provided for each mobile home lot plus an additional car space for each 4 lots, to provide for guest parking. All parking spaces shall be paved. No parking shall be allowed on any mobile home access driveway.
 - 10) Utility lines. All utility lines shall be underground except where soil conditions do not permit.
- 4) Criteria for approval. In the exercise of approval of mobile home parks, site plans shall be based on the development requirements set forth in this ordinance, and the Board of Appeals shall be guided by the following standards and shall consider the following factors and shall show on its record that each factor was considered. Before final site plan approval is granted, the plan committee shall also find in the case of these factors and other significant factors that the purpose and requirements of this ordinance have been met by the applicant in respect to:
- 1) Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety, traffic flow and control, and access in case of fire and catastrophe.
 - 2) Off-street loading and parking areas, with particular attention to the items in d. (1) above and the economic noise, glare or effects of the location of such areas on adjoining properties and properties generally in the district.

- 3) Refuse and service areas, with particular reference to the items d. (1) and (2) above.
 - 4) Manner of drainage of the property, with particular reference to the effect of provisions for drainage on adjacent properties and the consequences of such drainage on overall town drainage capacities.
 - 5) Screening and buffering, with reference to the type, dimensions and character, to preserve and improve compatibility and harmony between the proposed use and the uses and structures of adjacent and nearby properties and properties generally in the district.
 - 6) Signs and proposed exterior lighting, with reference to glare, traffic safety, economic effects of the same on properties in the district, and compatibility and harmony with nearby properties.
 - 7) General amenities and conveniences, with reference to insuring that exterior appearance of the proposed mobile home park will be as compatible and harmonious with properties in the general area as may be and will not be so at variance with other uses in the general areas as to cause a substantial depreciation of property value.
- 5) Additional requirements. In addition to the foregoing requirements and standards, the following authorities may:
- 1) Require preapproved designs and standards for accessory buildings, the placement thereof on the site or in the general area.
 - 2) Require park and play areas and equipping thereof, recreation areas and service structures, and general parking area and the location thereof within the park in approved areas.
 - 3) Permit the erection of a permanent residence for the resident manager, including a parking office in connection therewith.

12.332 Municipal sewage disposal plants, subject to the provision that they shall be located not less than one thousand (1000) feet from the nearest dwelling, shall be properly and adequately screened and buffered from the highway and adjacent property, and shall be so constructed and operated that there shall be no offensive odors or noise, and that there is adequate provision for the effluent and for the disposal of all sludge and residues, and that the area shall be completely enclosed with an adequate chain link type of fencing in addition to shrubbery screening; and that the foregoing provisions and all the provisions required by State law or Administrative Code are maintained during the operation thereof.

12.34 In all districts:

12.341 Electric and/or gas substations, public waterworks and appurtenant structures, telephone exchanges, police stations, fire stations, and governmental administration building

12.342 Topsoil removal.

12.343 Personal storage facilities for indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. These facilities are also known as "mini-warehouses."

ARTICLE XIII

Section 13.0 Zoning Board of Appeals. Under the provisions of Section 62.23 (7)(e)

Wisconsin Statutes, there is hereby established a Board of Appeals.

13.1 Organization of Board of Appeals. The Board of Appeals shall consist of five citizen members and two alternates appointed by the Town Chairman and subject to confirmation of the Town Board for terms of 2 years. The members of the Board shall serve at such compensation to be fixed by resolution. The Board of Appeals shall elect a chairman and a recording secretary. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

13.2 Meetings of the Board of Appeals. The Board shall adopt rules in accordance with the provisions of this section. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

13.3 Power of the Board of Appeals. The Board of Appeals shall have the following powers:

13.31 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this ordinance.

7. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer of the Town affected by any decision of the Building Inspector. Such appeal shall be taken within 20 days of filing with the Building Inspector and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the appeal action was taken.

8. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by a Class I notice under Chapter 985, Wisconsin Statutes,

in an official paper or a paper of general circulation, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

- 13.32 To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
- 13.33 To interpret the provisions of this ordinance where the street layout on the ground differs from Official Zoning Map.
- 13.34 To authorize upon appeal in specific cases, a variance from the standards of the ordinance as will not be contrary to the public interest. Variations for uses shall not be granted by the Board. A variance for the purpose of this ordinance shall not be granted unless:

- 9. A written application for a variance is submitted demonstrating:
 - 1. That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.
 - 2. That literal enforcement of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.
 - 3. That the special conditions and circumstances do not result from the actions of the applicant.
 - 4. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same districts.
 - 1. No non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.
 - 2. The application is in proper form and a fee as specified in Section 16.2 has been paid. The Board shall hold a public hearing on such matter in accordance with the provisions of Section 13.31 (b). Reasonable special conditions and safeguards for

the protection of the public health, safety, and welfare may be imposed by the Board if it grants the application for variance.

13.35 Grant a Special Use.

- 1) An application for one of the Special Uses of Land specified in Section 12 shall be made by filing a written application or petition to the Board. Such applications shall:
 - 1) State the name and address of applicant and owner.
 - 2) State the location of property for which the Special Use Permit is sought.
 - 3) State the specific Special Use desired.
 - 4) State the facts sufficient and demonstrate that the conditions prescribed in Section 12.2 exist and support such statement with any plans and/or data as are required by the Board.
- 2) If the application for Special Use is in proper form and a fee as determined by Section 16.2 has been paid, the Board shall hold a public hearing on such matter and give notice as provided in Section 13.31 (b). Reasonable specific conditions and safeguards for the protection of the public health, safety and welfare may be imposed by the Board if it grants the application for Special Use.
- 3) Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the zoning ordinance or the District Map; such power and authority being reserved to the Town Board.
- 4) No Special Use Permit shall be issued unless the Board shall find that the specially permitted use is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare and that such building or use shall comply with all other regulations in the district in which it is proposed to be located.

13.4 Exercise of Power:

- 13.41 In exercising the above mentioned powers such Board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
- 13.42 The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official , or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.
- 13.43 The Board shall retain continuing jurisdiction over all special uses for the purpose of resolving complaints against all previously-approved special uses. Such authority shall be in addition to the enforcement authority of the Town to order the removal or discontinuance of any unauthorized alterations of an approved special use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval of any other provision of this Ordinance. Upon written complaint by any citizen or official, the Board of Appeals shall initially determine whether the complaint indicates a reasonable probability that the subject's special use is in violation of either one or more of the standards contained in this Ordinance, a condition of approval imposed by the Board, or other requirements imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice. Any person may appear at such hearing to testify. The Board may, in order to bring the subject's special use into compliance with the standards contained in this Ordinance or the conditions previously imposed by the Board, modify existing conditions upon such use and impose additional reasonable conditions upon the special use. If no reasonable modification of the special use permit can be made in order to assure compliance, the Board may revoke the special use permit and direct the Building Inspector and the Town Attorney to seek elimination of the use. Special use permits issued under this Article are personal to the applicant and may not be transferred or assigned by the applicant without the Board's prior written approval.

ARTICLE XIV

Section 14.0 Natural Features Protection Requirements.

- 14.1 Purpose. These requirements are intended to preserve important geological features, protect against soil erosion and groundwater contamination, preserve the natural beauty of the Town, and protect wild flora and fauna. These requirements shall be in effect in all zoning districts. They shall be applied independently of other applicable

requirements contained in this Ordinance. Whenever other requirements of this Ordinance conflict with the requirements of this Article, the more stringent requirement shall govern. The location of the natural features protection areas subject to the requirement of this Article shall be determined by reference to Exhibit 81 in the Oakfield Area Joint Land Use Plan, as amended. The provisions of Exhibit 81 are hereby incorporated by reference.

14.2 Escarpmnts. The purposes of these regulations are to promote safe conditions by preventing the placement of roads on highly inclined surfaces and to preserve escarpments as landmark features that contribute to the scenic diversity and attractiveness of the Town. For the purposes of this Ordinance, “escarpments” is defined as a discontinuous bedrock-controlled, geomorphologic feature composed of any and all outcrops that form a rock ridge or series of ridges at the bedrock surface along the western edge of the Silurian (Niagaran) outcrop belt. Escarpments are subject to the following requirements:

10. No roads or driveways shall be placed on slopes of 30-39% unless the roads or driveways are placed parallel to the escarpment face. No roads or driveways shall be placed on slopes of 40% or greater.

11. The clearing of trees located within escarpment protection areas shall be permitted for:

1. building footprints;
2. sites for wastewater disposal systems;
3. driveways and
4. the area on a lot extending not more than 25 feet from the exterior walls of principal buildings and 15 feet from accessory buildings. In the area on a lot lying between 25 feet and 100 feet from the exterior walls of principal buildings, selective clearing is permitted provided that (i) no more than 30% of this area on the lot shall be cleared; (ii) the clearing of the 30% described above shall not result in strips of cleared openings of more than 30 feet in any 100 foot wide strip nor create a cleared opening strip greater than 30 feet wide; and (iii) in the remaining 70% of this area, cutting and pruning shall leave sufficient cover to screen vehicles, dwellings and other structures.

11. An area extending outward one mile from both the top and bottom of the escarpment face is hereby designated the “Escarpment Management Zone.” The Escarpment Management Zone shall be

subject to the use and development restrictions contained in Exhibit 84 of the Oakfield Area Joint Land Use Plan, as amended. The provisions of Exhibit 84 are hereby incorporated by reference.

14.3 Woodlands. Areas or stands of trees whose total combined canopy covers and area of one acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast (DBH) of at least 10 inches; or any grove consisting of 15 or more individual trees having a DBH of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the grove. No trees grown for commercial purposes shall be considered a woodland for purposes of this section. The following rules shall apply to land that meets the woodlands definition:

3. A clearing of trees shall be permitted for building footprints, driveways and sites for onsite sewage disposal systems. Building footprints may be cleared a distance of 25 feet from the exterior walls of principal buildings and 15 feet from accessory buildings. Selective pruning of remaining trees shall be permitted, provided that 70% of the original canopy is left intact;
4. Selective pruning of woodlands shall be permitted, provided that 70% of the original canopy is left intact;
5. Clearcutting on contiguous land under single ownership shall be permitted, provided that the clearcut area not exceed at least 10 acres or 30% of the woodlands in any 10 year period. An area clearcut for commercial purposes shall not be converted or developed for another use within 7 years from the date clearcutting was completed; and
6. Other sound forestry practice techniques as defined in Chapter 46 of the Wisconsin Administrative Code, as amended, or as recommended by a qualified forester are permitted if designed to protect or enhance the woodlands. Exceptions to these restrictions may be granted upon a showing of special needs or circumstances of the landowner.

- 14.4 Wetlands. It is the intent of the Town to maintain safe and healthful conditions, prevent water pollution, protect wildlife habitat, preserve cover and natural beauty and control building and development in a manner that minimizes adverse impacts upon the wetland. For the purposes of this subsection, “wetlands” are identified in the Wisconsin Department of Natural Resources’ Wetland Inventory Map. The following rules shall apply to wetlands:
2. If the proposed activity is located in a wetland that is regulated by the Fond du Lac County Shoreland Zoning Ordinance, a zoning permit or special exception permit must be obtained from the County. A separate Town wetland permit is not required;
 3. If the proposed use located in the wetland that is not regulated under the Fond du Lac County Shoreland Zoning Ordinance, a special use permit from the Town is required. The person issuing the building permit may issue a permit if the proposed use does not involve an earth disturbance exceeding 5,000 square feet in area. A special use permit is required if the earth disturbance exceeds 5,000 square feet in area;
 4. All roads in or through wetlands shall be designed and constructed to minimize the adverse impact upon the natural functions of the wetland;
 5. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done for the proposed project must be necessary for the proposed project;
 6. Any filling, excavating, ditching or draining that is to be done must be done in a manner designed to minimize the flooding and other adverse impacts upon the natural functions of the wetlands; and
 7. A wetland shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon storm and floodwater storage capacity, filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters, fish spawning, breeding or feeding grounds, wildlife habitat and wildlife.

ARTICLE XV

Section 15.0 Enforcement.

- 15.1 It shall be the duty of the Building Inspector to enforce the provisions of this ordinance. The Building Inspector shall prepare a record of all buildings, structures and mobile homes situated within the setback lines as established by this ordinances, or any amendments thereto, which shall include the distances of such buildings, mobile homes or structures from the center line of the adjacent highway, their size, type of construction and use, the quarter section in which they are situated, the names and addresses of the owner and occupant of the premises and the date on which the record is made. Such record shall be kept current and shall show any such buildings, structures or mobile homes that may be removed or damaged to the extent that their reconstruction will be contrary to this ordinance.
- 15.2 No building, structure or mobile home shall hereafter be created, moved or structurally altered, except as hereinafter provided, until a permit therefor shall have been applied for and issued. No permit shall be issued until the Building Inspector has satisfactory proof that the premises are in full compliance with the Fond du Lac County Subdivision, Shoreland Zoning, and Flood Plain Zoning Ordinances, and that a Fond du Lac County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued,. except that lots - served by public sewer shall not require a sewer permit.

- 15.3 All applications for a land use permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory buildings the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance.
- 15.4 All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- 15.5 Certificate of Compliance.
- 15.51 No vacant land shall be occupied or used, and no building or mobile home hereafter erected, altered or moved shall be occupied until the certificate of compliance shall have been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof and, the proposed use thereof are in conformity with the provisions of this ordinance. Such certificate shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this ordinance.
- 15.52 Under such rules and regulations as may be established by the Town Board, the Building Inspector may issue a temporary certificate of compliance for part of a dwelling.
- 15.53 Upon written request from the owner, the Building Inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the ordinance.

ARTICLE XVI

Section 16 - Fees

- 16.1 Building Permit - A fee in an amount determined by the Town required to be paid by the applicant for a building permit, certificate of occupancy where no building permit was required. The fee shall be paid to the Town Treasurer.
- 16.2 A fee in an amount determined by the Town Board is required to be paid by the applicant for each application or appeal to the Board of Appeals, which fee shall be paid to the Town Treasurer and receipt therefor filed with the application. This fee shall not be required of any township officers acting in his official capacity.
- 16.3 A fee in an amount to be determined by the Town Board is required for any petition for the amendment of this zoning ordinance, which fee shall be paid to the Town Treasurer and receipt therefor filed with the amendment petition. In addition thereto, a petitioner shall be charged with the cost of the official newspaper publication of the notice of hearing. This provision shall not apply to amendments initiated by the Town Board.

ARTICLE XVII

Section 17.0 Violations and Penalties

- 17.1 Any building, structure or mobile home hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure, or mobile home or use. The Building Inspector shall promptly report all such violations to the Town Board, which shall instruct the attorney for the town to

bring an action to enjoin the erection, enlargement,. alteration, repair or moving of such building, structure or mobile home or the establishment of such use, or to cause such building, structure, mobile home or use to be removed.

- 17.2 At the discretion of the court, such person, firm or corporation may also be required, upon conviction, to forfeit not less than \$10 nor more than \$200 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, may be imprisoned in the county jail of Fond du Lac County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute s separate offense.

ARTICLE XVIII

Section 18.0 Changes and Amendments

- 18.1 When any amendment of the district boundaries or of the regulations contained in this ordinance shall be petitioned for by an interested party or moved by the Town Board, the Town Board shall formulate a tentative draft of such amendment. Before adoption of such amendment by the Town Board, the Town Board shall give not less than 10 days' notice of a public hearing on such amendment, specifying the time and place of such hearing.

ARTICLE XIX

Section 19.0 Validity and Conflicts

- 19.1 Should any section, clause or provisions of this ordinance be declared by courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 19.2 All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repeated.

ARTICLE XX

Section 20.0 Effective Date and Repeal of Interim Ordinance

- 20.1 This ordinance shall be in force from and after its passage, approval, publication and recording according to law.
- 20.2 Interim zoning and land use control ordinances heretofore adopted are hereby repealed on the date on which this ordinance becomes effective.

TOWN OF OAKFIELD

Raymond Panzer, Town Chairman

Attest:

Alex Strupp, Town Clerk

Passed and Adopted: August 16, 1982

Amended: _____, 2000